

OGC REVIEW COMPLETED

4 November 1957

MEMORANDUM FOR THE RECORD

SUBJECT: Standard for Assessing Individual Pecuniary Liability
for Motor Vehicle Accidents

1. The current thinking of the Director of Logistics is to tighten up considerably in the assessment of individual pecuniary liability in cases where Agency employees are involved in accidents in which damage is done to the Agency vehicle. I have been told that [redacted] warned the drivers of Agency vehicles that they might be held responsible personally for such damage where they are no more than ordinarily negligent. STATINTL

2. Although I do not understand that the policy trend is to hold the individual liable in every case where only ordinary negligence is involved, nevertheless a noticeably higher standard of care is to be required. The basic statement in Agency regulations which serves to notify all employees of their possible liability is [redacted] entitled "Supply--Accountability and Responsibility." Paragraph 2a states:

" . . . The individual has pecuniary liability for damage to, or loss of, the property unless he can substantiate that such loss or damage was not due to improper use or failure to exercise prudent care and judgment in the safekeeping of the property. . . ."

I interpret the foregoing to indicate that the individual may be held liable in case of ordinary negligence. I am not wholly satisfied with this regulation as the keystone for establishing individual liability, since it does not speak specifically of motor vehicles.

3. Unless instructed to the contrary I do not intend to object, in Board of Survey meetings, as a matter of law to the holding of an individual liable for ordinary negligence. However, I have contacted [redacted] one of G.A.O. representatives assigned to this Agency, and have discussed the matter generally with him. At my request he made an informal inquiry in G.A.O. seeking to learn what standards other Government agencies are applying presently in the Washington area. While we were unable to develop a clear "majority view", it remained his unofficial opinion that CIA would be acting legally if it enforced the more rigid standard discussed above. It may be a practical rather than a legal matter, but we recognize the possibility that enforcing such a standard may create a general unwillingness on the part of Agency employees to drive official vehicles. STATINTL

OGC:NCF:mpg

[redacted]
Assistant General Counsel

Orig - Subject Vehicles

- 1 - Exec Sec, Hq Board of Survey
- 1 - Signer
- 1 - Approved For Release 2002/05/08 : CIA-RDP62-00631R000400140007-7
- 1 - Curie

TRANSMITTAL SLIP		DATE 30 October 1957
TO: <input type="text"/>		
ROOM NO. 221	BUILDING East	
REMARKS:		
<p>I would appreciate your guidance on this matter. In particular see paragraph 3 which states my present course of action.</p> <p style="text-align: center;">NCF</p>		
FROM: <input type="text"/>		
ROOM NO.		EXTENSION

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MEMORANDUM FOR THE RECORD

DATE: 7 November 1957

STATINTL

FROM :

[Redacted]

SUBJECT: Standard for Assessing Individual Pecuniary Liability for Motor
Vehicle Accidents

STATINTL

STATINTL

Advised [Redacted] that this problem had been considered before
and that [Redacted] had several discussions with the Department
of Justice. We arrived then at the conclusion that simple negligence
was not enough to establish pecuniary responsibility and the standard
should be wilfulness or gross negligence.

[Redacted]

STATINTL